

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5407 of 2018**

Anish Kumar Sonwani @ Nanu, S/o Jagesh, aged about 20 years, R/o Satishnagar Pandariya, Civil and Revenue District Kabirdham (CG).

---- Applicant**Versus**

State of Chhattisgarh, through P.S. Pandartarai, Civil and Revenue District Kabirdham.

---- Non-applicant

For Applicant : Mr. Dinesh Tiwari, Advocate.

For Non-applicant : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****23.08.2018**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with crime No.77/2018 registered at Police Station Pandartarai, District Kabirdham for the offence punishable under Sections 363, 366, 376 of IPC and Sections 3 & 4 of POCSO Act.
3. Case of the prosecution, in brief is that the age of the prosecutrix was above 17 years on the date of incident. She is resident of village Paraswara, District Kabirdham. There was intimacy between the applicant and the prosecutrix. On 20.06.2018, the applicant took the prosecutrix from her house and they went to Bilaspur, where he kept the prosecutrix for six days in the rented house wherein they have made physical relationship with each other.
4. Counsel for the applicant submits that the applicant has not

committed any offence. He is innocent and has been falsely implicated in the present case, therefore, he may be released on bail.

5. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant.

6. I have heard counsel for the parties and perused the case diary with utmost circumspection.

7. Taking into consideration the fact that as per the statement of prosecutrix recorded under Section 164 of CrPC, she went herself with the applicant and they was lived in the rented house at Bilaspur for six days and the applicant has not committed any wrong with her.

8. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.

9. Accordingly, the present bail application filed under Section 439 of the Cr.P.C., is allowed.

10. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.30,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail.

11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)

JUDGE